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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/196,064	11/19/1998	HARM J. W. BELT	PHN16.638	8724

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PHILIPS ELECTRONICS NORTH AMERICAN CORP  
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TARRYTOWN, NY 10591

EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/08/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/196,064

Applicant(s)

BELT ET AL.

Examiner

Lun-See Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Introduction*

1. This communication is responsive to the applicant's amendment filed 02/24/2003.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,8 and 10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of " a non-measurement based controller operable to control the processor in order to maximize a power measure of the combined audio signal wherein the controller is arranged to limit a combined power gain measure of the processed audio signals to a predetermined value" cited in claims 1, 8 and 10 was not described in the further detail in the specification nor in any of the claim. The specification only discloses "no measurements have to be performed before deployment of the audio processing arrangement" on page 2, lines 10-11. However, the specification does not disclose the non-measurement based controller. The specification only disclose the control elements (20, 22)(see page 5, lines 17-22) and maximizing a power measure of combined audio signal under constraint that a

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combined power gain measure, no use of measured data has to be made(see page 2, lines 17-21). However, the control elements (20, 22) need to measure (calculate) the scaling factors (X, Y)(see page 5, lines 17-21 and page 6, lines 1-4) the maximize power has been measure by calculated the  $P_{sum}=V_{sum}^2=(a.x+b.y)^2$ (see page 6, lines 15-20).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kellermann (US PAT 5,602,962).

Consider claim 1, Kellermann teaches that audio processing arrangement comprising a plurality of audio sources generating (see fig.1) input audio, signals, process or operable to derive a processed audio signals from the input audio signals, a combiner operable to derive a combined audio signal from the processed audio signals (see col.4 line 55- col.5 line 2); and a non-measurement based controller (see fig.1,4) operable to control the processor (see col.3 lines 45-61) in order to maximize a power measure of the combined audio signal (see col.3 line 45-col.4 line 55), which means signal-to-noise ratio (SNR) of the sum signal x at the out put of the adder device (5) is maximized wherein the controller is arranged to limit a combined power gain measure

(see col.2 lines 1-12) of the processed audio signals to a predetermined value, which means the noise component of the sum signal  $x$  at the out put of adaptive filter device 6 is to a threshold or predetermined level  $SNR = (\sigma_s)^2 / (\sigma_n)^2$ ,  $0 < (\sigma_n)^2 \leq 1$ .

Consider claim 2, Kellermann discloses that audio processing arrangement wherein the processor includes a scaling means for scaling the input audio signals with a scaling factor for obtaining the processed audio signal (see col.3 lines 45-61), said controller includes a further scaling means for deriving a plurality of scaled combined audio signals with a scaling factor corresponding to the scaling factor of the scaling means (see fig 1), and in that the controller is arranged for maximizing a power measure of the combined audio signal (see col.3 line 35- col.4 line 55), and for limiting a combined power gain measure of the processed audio signals (see col.2 lines 1-12) by minimizing a difference between the input audio signals ( $s$ ) and the scaled combined audio signals( $x$ ) corresponding to said audio signals  $x = s + \text{noise}(n)$ . Evaluation unit eliminates the noise signals, therefore the scaled combined audio signals ( $x$ ) are approximately equal to the input audio signal( $s$ ), which minimized the difference between the combined audio signals ( $x$ ) and input audio signals( $s$ ).

Consider claim 3, Kellermann teaches that the audio processing arrangement wherein the processor includes a plurality of adjustable filters (see fig.1, #3, #5, #6) for deriving the processed audio signal, in that the controller includes a plurality of further adjustable filters having a transfer function being the conjugate of the transfer function of the adjustable filters (see fig.1, #3, # 5, #6 and col.4 line 55-col.5 line 2), said further

adjustable filters being arranged for deriving from the combined audio signal filtered combined audio signals, and in that the controller is arranged for maximizing the power measure of the combined audio signal (see col.3 line 45-col.4 line 55), and for restricting a combined power gain measure of the processed audio signals to a predetermined value by controlling the transfer functions of the adjustable filters and the further adjustable filters in order to minimize a difference measure between the input audio signals and the filtered combined audio signal corresponding to say input audio signals (see fig.2 and col.4 line 53-col.5 line).

Consider claim 4, Kellermann discloses that the audio processing arrangement comprises delay elements (see fig.1, #2) for compensating a delay difference of a common audio signal present in the input audio signals.

Consider claim 8, Kellermann teaches an audio signal processing arrangement comprising a plurality of inputs for receiving input audio signals (see fig.1), processing means for deriving processed audio signals from the input audio signals, the audio processing arrangement comprising combining means for deriving a combined audio signal from the processed audio signals (see col.4 line 55-col.5 line 2), wherein the audio processing arrangement comprises a non-measurement based control means (see fig.1,4) for controlling the processing means (see col.3 lines 45-61) in order to maximize a power measure of the combined audio signal (see col.3 line 45-col.4 line 55), which means signal-to-noise ratio (SNR) of the sum signal x on the out put of the adder device (5) is maximized a power and in that the control means are arranged for limiting a combined power gain measure (see col.2 lines 1-12) of the processed audio

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signals to a predetermined value, which means the noise component of the sum signal  $x$  at the out put of adaptive filter device 6 is to a threshold or predetermined level  $SNR = (\sigma_s)^2 / (\sigma_n)^2$ ,  $0 < (\sigma_n)^2 \leq 1$ .

Consider claim 10, there is a method claim corresponding to apparatus claim 8.

See previous apparatus claim 8 rejection.

Consider claim 9, Kellermann discloses that the audio signal processing arrangement characterized in that the processing means comprise scaling means for scaling the input audio signals with a scaling factor for obtaining the processed audio signals (see col.3 lines 45-61), said control means comprise further scaling means for deriving a plurality of scaled combined audio signals with a scaling factor corresponding to the scaling factor of the scaling means (see fig.1), and in that the control means are arranged for maximizing a power measure of the combined audio signal (see col.3 line 45- col.4 line 55), and for limiting a combined power gain measure of the processed audio signals (see col.2 lines 1-12) by minimizing a difference between the input audio signals ( $s$ ) and the scaled combined audio signals( $x$ ) corresponding to said audio signals  $x = s + \text{noise}(n)$ . The noise signals are eliminated by evaluation unite, therefore The scaled combined audio signals ( $x$ ) are approximately equal to the input audio signal( $s$ ), which minimized the difference between the combined audio signals ( $x$ ) and input audio signals( $s$ ).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellermann (US PAT 6,602,962) in view of Kaneda (US PAT 4,536,887).

Consider claim 5, Kellermann discloses that audio processing arrangement includes that the audio sources comprise a plurality of microphones (see fig.1), however Kellermann fails to teach that microphones are placed in a position such that their directionality patterns are substantially disjunct.

Kaneda further teaches that audio processing arrangement includes that the audio sources comprise a plurality of microphones, and in that microphones are placed in a position such that their directionality patterns are substantially disjunct (see fig .21e and col.20 line 10-col.21 line 20).

Therefore, it would be obvious to one of ordinary skill in the art at the time invention was made to modify Kellermann 's to provide microphone-array apparatus which can be constructed on a small scale and permits adaptive selection of the desired signal for varied positions of a desired signal and noise sources.

Consider claims 6-7, Kaneda discloses that the audio processing arrangement includes that the microphones are placed around a center position at angles being equal to 360 degrees divided by the number of microphones (see fig.21d and col.20 line



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10-col.21 line 20) and the audio sources comprise a plurality of microphones being placed in a linear array (see fig.21a and col.20 line 10-col.21 line 20).

### ***Response to Arguments***

7. Applicant's arguments filed 02/24/2003 has been fully considered but they are not persuasive.

8. Applicants point out "The object of the present invention is to provide an audio processing arrangement in which no measurements have to be performed before deployment of the audio processing arrangement.

To achieve this objective the audio processing arrangement according to the invention is characterized in that the audio processing arrangement comprises control means for controlling the processing means in order to maximize a power measure of the combined audio signal, and in that the control means are arranged for limiting a combined power gain measure of the processed audio signals to a predetermined value.

By maximizing a power measure of the combined audio signal under the constraint that a combined power gain measure (e.g. the sum of the power of the individual signals) is limited to a predetermined value, no use of measured data has to be made. Experiments have shown that the intelligibility of the speech signal is not deteriorated with respect to the prior art arrangement. " (see page 5 of applicant's argument filed on 2/24/2003). However, the " an audio processing arrangement in which no

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measurements have to performed" and "no use of measured data has to be made" are not discloses in the specification (See page 2) to support the independent claims(1, 8 and 10. The specification only disclose the control elements (20, 22)(see page 5, lines 17-22) and maximizing a power measure of combined audio signal under constraint that a combined power gain measure, no use of measured data has to be made(see page 2, lines 17-21). However, the control elements (20, 22) need to measure (calculate) the scaling factors (X, Y)(see page 5, lines 17-21 and page 6, lines 1-4) the maximize power has been measure by calculated the  $P_{sum}=V_{sum}^2=(a.x+b.y)^2$ (see page 6, lines 15-20). Applicants should provide "non-measurement base controller means" definition and point out which are non-measurement base controller.

### ***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314

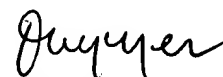
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao,Lun-See  
Patent Examiner  
US Patent and Trademark Office  
Crystal Park 2  
(703305-2259)

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**